

**Proposed Remediation General Permit Under the National Pollutant Discharge
Elimination System (NPDES) for Discharges in Massachusetts**

Massachusetts General Permit, Permit No. MAG910000

In compliance with the provisions of the Federal Clean Water Act, as amended,¹ and the Massachusetts Clean Waters Act, as amended,² the following permit authorizes discharge of water from four general categories, including: 1) site remediation primarily related to petroleum contamination; 2) site remediation activities where petroleum is not the primary contaminant; 3) contaminated construction site dewatering; and 4) miscellaneous contaminated discharges. Such discharges are authorized at sites located in Massachusetts (including both Commonwealth and Indian Country lands) to all classes of waters designated in the Massachusetts Water Quality Standards, 314 CMR 4.00 et seq., unless otherwise restricted, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit shall become effective when issued. If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and in effect. However, once this permit expires EPA-NE cannot provide written notification of coverage under this general permit to any permittee who submits Notice of Intent to EPA Region I after the permit's expiration date. Any permittee who was granted coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of: reissuance of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; the permittee's submittal of a Notice of Termination; issuance of an individual permit; or a formal permit decision by the Director not to reissue this general permit, at which time the permittee must seek coverage under an alternative general or individual permit.

Signed this day of October 2004

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¹33 U.S.C. §§ 1251 et seq.; the "CWA"

² M.G.L. Chap. 21, §§ 26-53

**Proposed Remediation General Permit Under the National Pollutant Discharge
Elimination System (NPDES) for Discharges in New Hampshire**

New Hampshire General Permit, Permit No. NHG910000

In compliance with the provisions of the Federal Clean Water Act, as amended,³ the following permit authorizes discharge of water from four general categories, including: 1) site remediation activities primarily related to petroleum contamination; 2) site remediation activities where petroleum is not the primary contaminant ("non-petroleum" sites); 3) contaminated construction site dewatering; and 4) miscellaneous contaminated discharges. Such discharges are authorized to all waters located in New Hampshire, unless otherwise restricted by the New Hampshire water quality standards,⁴ in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit shall become effective when issued. If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and in effect as to any particular permittee. However, once this permit expires EPA-NE cannot provide written notification of coverage under this general permit to any permittee who submits Notice of Intent to EPA Region I after the permit's expiration date. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of: reissuance of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; the permittee's submittal of a Notice of Termination; issuance of an individual permit; or a formal permit decision by the Director not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

Signed this day of October 2004.

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³ 33 U.S.C. §§ 1251 et seq.; the "CWA"

⁴ 50 RSA § 485-A:8 and the N.H. Code of Administrative Rules, CHAPTER Env-Ws 1700 SURFACE WATER QUALITY REGULATIONS (December 1999)

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PART I - Permit Applicability and Conditions

A. Applicability and Coverage of the Remediation General Permit (RGP)

1. Subject discharges - During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge wastewater to surface waters from a variety of discharges listed below, including discharges from:
 - a. site remediation activities related primarily to petroleum, including site cleanups of groundwater contaminated from petroleum spills or leaks, such as gasoline, fuel oil, or other oil contaminated sites;
 - b. site cleanups where the spill or leak is not petroleum-specific, such as sites contaminated with volatile organic compounds and/or metals;
 - c. construction de-watering of contaminated sites, such as at EPA or state-listed contamination sites; and
 - d. de-watering of miscellaneous contaminated discharge sites, such as non-emergency pump out of contaminated utility vaults and manholes, long-term cleanup of contaminated sumps, and short-term contaminated dredge drain back waters (if not covered by Section 401/404 permit), aquifer pump testing to evaluate remediation of formerly contaminated sites, well development/rehabilitation at contaminated or formerly contaminated sites, and hydrostatic testing of pipelines and tanks.

Table I: Activities Covered by the Remediation General Permit

Category	Sub-Category
I - Petroleum Related Site Cleanups	A. Gasoline Only Sites B. Fuel Oils and Other Oil Sites C. Petroleum Sites Containing Other Contaminants
II - Non Petroleum Site Cleanups	A. VOC Only Sites B. VOC Sites Containing Other Contaminants C. Sites Containing Primarily Metals
III - Contaminated Construction Dewatering	A. General Urban Fill Sites B. Known Contamination Sites

IV - Miscellaneous Related Discharges	A. Aquifer Pump Testing to Evaluate Formerly Contaminated Sites B. Well Development/Rehabilitation at Contaminated/Formerly Contaminated Sites C. Hydrostatic Testing of Pipelines and Tanks D. Long-Term Cleanup of Contaminated Non-residential Sumps and Dikes E. Non-emergency Pump-out of Utility Vaults & Manholes F. Short-term Contaminated Dredging Drain Back Waters (if not covered by 401/404 permit)
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2. Geographic Coverage Area

- a. All of the discharges to be authorized by this general NPDES permit for dischargers in the Commonwealth of Massachusetts are into all waters of the Commonwealth and Indian Country lands unless otherwise restricted by the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 (or as revised), including 314 CMR 4.04(3) Protection of Outstanding Resource Waters.
- b. All of the discharges to be authorized by this general NPDES permit for dischargers in the State of New Hampshire are into all waters of the State of New Hampshire unless otherwise restricted by the State Water Quality Standards: see 50 RSA § 485-A:8 and the N.H. Code of Administrative Rules, Chapter Env-Ws 1700 or as revised.

3. Specific Discharges Excluded From Coverage - the following discharges are excluded from coverage under this General Permit:

- a. *Discharges to Outstanding Resource Waters in Massachusetts and New Hampshire,*
 - 1) as defined in Massachusetts by 314 CMR 4.06(3), including Public Water Supplies (314 CMR 4.06(1)(d)1) which have been designated by the state as Class A waters, unless a variance is granted by the Massachusetts Department of Environmental Protection (MADEP) under 314 CMR 4.04(3)(b), or
 - 2) as defined in New Hampshire under Env-Ws 1708.05(a), unless allowed by the New Hampshire Department of Environmental Services (NH DES) under Env-Ws 1708.05(b).
- b. *Discharges to Areas of Critical Environmental Concern (ACEC) in Massachusetts* as defined by the Massachusetts Wetlands Protection Act c.131, Section 40, unless a variance as allowed in the water quality standards is granted by the State. See Appendix I for a listing of ACEC's by city and town in Massachusetts (MA).

- c. *Discharges to Class A waters in New Hampshire*, in accordance with RSA 485-A:8, I., unless a variance as allowed in the water quality standards is granted by the State. For a listing of Class A waters, contact the NH DES at the address listed in Part I.D.4 of this permit.
- d. *Discharges to designated areas under the Endangered Species Act (ESA)* unless the requirements specified in this permit are fulfilled. See Parts I.B.4 & 5 and Appendices II and VII for additional requirements.
- e. *Discharges to designated areas under the Essential Fish Habitat Act (EFH)* unless the requirements specified in this permit are fulfilled.
- f. *Discharges of pollutants which are specifically excluded by the States' published 303(d) lists* of "non-attainment" segments of receiving waters in the Commonwealth of Massachusetts and the State of New Hampshire, as defined by the CWA and approved by EPA unless the discharge is at or below a concentration that meets water quality standards.
- g. *Discharges to a Publicly-Owned Treatment Works (POTW)* which are permitted under Section 402 of the CWA (NPDES).
- h. *Discharge to municipal separate storm sewers (MS4s)*, unless local permitting or approval under the municipality's Storm Water Management Program (SWMP), required under EPA's MS4 general permits, is completed.
- i. *Discharges directly or indirectly to the ground.*
- j. *Discharge of dredge drain back waters covered by CWA Section 401 and 404 and 40 CFR 330.5(a)(16)* administered by the US Army Corps of Engineers (USACOE) where USACOE intends to permit the discharge.
- k. *Discharges of water supply or other well development or rehabilitation waste waters*, except discharges of treated water from the development or rehabilitation of monitoring wells at contaminated or formerly contaminated sites. This permit does not cover wastewater from wells that contain naturally occurring substances or materials from routine maintenance activities only.
- l. *Discharge of water from one water body to another water body*, otherwise referred to as "water transfers," except for the specific purpose of hydrostatic testing of pipelines, tanks and other structures.
- m. *Uncontaminated construction dewatering discharges* eligible for coverage under EPA Region I's General Permit for Construction Dewatering dated September 23, 2002, or non-stormwater discharges covered by the EPA's national Construction General Permit dated July 1, 2003.
- n. *Short-term discharges from sumps or other similar water collection structures,*

e.g., at residential properties. These discharges may, however, be subject to local requirements under EPA's Phase I and II Municipal Separate Storm Sewer (MS4) general permits.

- o. *"New Source" dischargers, as defined in 40 CFR § 122.2.*
- p. *Discharges listed in an individual NPDES permit unless:*
 - 1) the permit has expired;
 - 2) EPA has terminated the existing permit;
 - 3) the discharges are separate from the currently permitted discharges; or
 - 4) the discharge is new and eligible for this permit (e.g., an industry where the primary process waste discharge is covered by an individual permit but the facility is conducting groundwater remediation with separate treatment and discharge).
- q. *Discharges for which the Director makes a determination that an individual permit is required under 40 CFR 122.28(b)(3).*
- r. *Discharges which adversely affect properties listed or eligible for listing in the National Registry of Historic Places under the National Historic Preservation Act of 1966, 16 USC Sections 470 et seq.*
- s. *Discharges of any commercial or industrial wastes to Ocean Sanctuaries in Massachusetts, as defined at 302 CMR 5.00.*
- t. *Discharges to territorial seas, as defined by Section 502 of the Clean Water Act.*

B. Application and Notice of Intent (NOI)

- 1. Eligibility for Coverage Under the Remediation General Permit (RGP) - The following types of facilities or sites are eligible to apply for coverage under the RGP:
 - a. New dischargers.
 - b. Facilities with on-going discharges pursuant to approved site remediation projects.
 - c. Facilities with expired individual permits that have been administratively continued in accordance with 40 CFR§ 122.6 may apply for coverage under this general permit. If, and when, EPA New England (EPA-NE) grants coverage under this permit, EPA-NE will initiate the process to revoke the individual permit.
 - d. Any facility operating under an effective (unexpired) individual NPDES permit may request that the individual permit be revoked and that coverage under this general permit be granted, as outlined in 40 CFR § 122.28(b)(3)(v). If, and when, EPA-NE grants coverage under this permit, EPA-NE will initiate the process to

terminate the individual permit.

2. Notice of Intent Options: To be covered by this general permit, owners or operators of facilities, whose discharge or discharges are identified in Part I.A.1 above, must submit to EPA-NE and the appropriate State, a complete **Notice of Intent (NOI)**. For purposes of this RGP, the NOI consists of either:

- a. The suggested NOI form in Appendix V of this permit, or
- b. Another form of official correspondence containing all of the information required in the NOI instructions in Appendix V of this permit.

3. General Application Requirements

- a. Facilities For Which an Individual NPDES Application Has Not Been Previously Submitted

- 1) Owners of proposed new discharges seeking coverage under this general permit, must submit a NOI to EPA-NE post-marked at least **14 days** prior to the commencement of discharge.
- 2) Owners of existing discharges pursuant to approved site remediation projects, who have never submitted an application for an individual NPDES permit, must file an NOI for coverage under this permit or application Forms 1 & 2C for coverage under an individual permit. The applicant must submit the NOI or individual permit application to EPA-NE, the respective State, and the municipality into which the discharge is proposed, within **30 days** of the effective date of the RGP. See Appendix V for NOI instructions and addresses.

- b. Facilities For Which Individual NPDES Permit Applications Have Been Submitted - For facility owners with discharges pursuant to approved site remediation projects, who have previously filed a NPDES application for coverage under an individual permit, the following conditions apply:

- 1) If a facility owner or operator has made only minor changes to the discharge operations since submission of the application, the applicant may certify that the existing application continues to be accurate and is serving in lieu of a notice of intent (NOI). Minor changes include changes to administrative information, changes to the treatment system that improve performance or decrease flow, changes to the discharge location on the same receiving water, etc.
- 2) If a facility owner or operator has made significant changes to the discharge operations since submission of the application, the owner must file a new NOI in Appendix V. Significant changes include: discharges containing chemicals not reported in the original application, additional discharge locations, discharges to different receiving waters, changes of flow of greater than 25%, etc.

4. Endangered and Threatened Species and/or Critical Habitat⁵: Proposed discharges that are located in areas in which listed endangered or threatened species may be present, are not automatically covered under this permit. In addition to the areas listed in the paragraphs below, permittees should refer to the list in Appendix II to determine whether or not additional consultation with the Services is needed. See Appendix VII for additional guidance on consultation requirements.
- a. Discharges into the following areas may affect the federally-listed endangered **dwarf wedge mussel** (*Alasmodonta heterodon*), including:
 - 1) in Massachusetts
 - i. the Fort River in Amherst (Hampshire County);
 - ii. the Mill River Diversion 1 - 2 miles in Northampton (Hampshire County); and
 - iii. a different Mill River, approximately 5 miles in Whately and Hatfield (Franklin County); and
 - 2) in New Hampshire
 - i. the Ashuelot River from below the Surry Mountain Flood Control Project in Surry, to West Swanzey (Cheshire County);
 - ii. the South Branch of the Ashuelot River 0.5 miles in East Swanzey (Cheshire County); and
 - iii. the Connecticut River from Northumberland to Dalton (Coos County) and approximately 18 miles south from Lebanon to North Walpole (Grafton and Sullivan Counties).
 - b. Discharges into certain sections of the Merrimack and Connecticut Rivers in both States may affect the federally-listed endangered **shortnose sturgeon** (*Acipenser brevirostrum*), including:
 - i. in the Merrimack River, from the mouth to Lawrence, Massachusetts (Essex County); and
 - ii. in the Connecticut River, from the Massachusetts border with Connecticut to Turners Falls, Massachusetts (Hampshire, Hampden, and Franklin Counties).
 - c. Discharges into areas that may affect the threatened **bog turtle** (*Clemmys muhlenbergii*), including: bodies of water in the Towns of Egremont and Sheffield (Berkshire County), Massachusetts.
 - d. Discharges into areas that may affect the **northern redbelly cooter** (*Pseudemys rubriventris*), including bodies of water occurring within the following boundaries: in the Towns of Plymouth and Carver, (Plymouth County) Massachusetts, west of Route 3 and north of Route 25; east of Route 58 and south of Route 44.

⁵ There is currently only one area federally-designated as critical habitat in MA, i.e., for the Northern Redbelly Cooter in Plymouth County, MA, and none in NH.

5. Consultation with Federal Services - During the application process, applicants with potential discharges to the listed areas must consult with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (also known collectively as “the Services”). See Appendix VII, section I, for further information regarding consultation pertaining to endangered species.
- a. Permit coverage under this general permit for proposed discharges in the areas listed in paragraphs 4.a. and 4.b. above is only available if the applicant complies with the following requirements:
 - 1) The applicant contacts the Services to determine:
 - i. if listed species are present in the vicinity of the project area and,
 - ii. whether the applicant’s discharges and discharge-related activities are likely to affect listed species.
 - 2) The applicant consults with the Services under Section 7 of the Endangered Species Act, and
 - i. it is determined that the applicant’s discharges will not affect listed species, or
 - ii. the consultation results in a written concurrence by the Service(s) on a finding that the applicant’s discharges are not likely to affect adversely listed species.
 - b. Permit applicants must submit a copy of the Services’ written concurrence with submission of their Notice of Intent. Applicants are required to maintain any supporting documentation for that determination.
 - c. Applicants who conduct informal consultation to meet the Endangered Species Act eligibility requirements of this general permit are automatically designated as non-Federal representatives under this permit.
 - d. Contact Information for FWS and NMFS:

US Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087
Tel. No. (603) 223-2541

National Marine Fisheries Service
Northeast Region
One Blackburn Drive
Gloucester, MA 01930-2298
Tel. No. (978) 281-9112
6. National Historic Preservation Act - Facilities which adversely affect properties listed or eligible for listing in the National Registry of Historic Places under the National Historic Preservation Act of 1966, 16 USC Sections 470 et seq. are not authorized to discharge under this permit.

- a. Applicants must determine whether their discharges have the potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places. Electronic listings of National and State Registers of Historic Places are maintained by the National Park Service (www.nr.nps.gov/nrishome.htm), the Massachusetts Historical Commission (www.state.ma.us/sec/mhc) and the New Hampshire Historical Commission (www.state.nh.us/nhdhr). See Appendix VII, section II, for additional information about requirements pertaining to historic places.
- b. Applicants must comply with applicable State, Tribal and local laws concerning the protection of historic properties and places and applicants are required to coordinate with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer and others regarding effects of their construction dewatering discharges on historic properties. Addresses for State Historic Preservation Officers and Tribal Historic Preservation Officer are:
 - 1) Judith McDonough, Massachusetts State Historic Preservation Officer
MA Historical Commission
220 Morrissey Boulevard
Boston, MA 02125
TEL: 617/727-8470; Fax: 617/727-5128;
email: Judy.McDonough@sec.state.ma.us,
 - 2) Matthew Vanderhoop, Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA 02535-9701
Tel: 508/645-9265; FAX: 508/645-3790, and
 - 3) James McConaha
State Historic Preservation Officer
NH Division of Historical Resources
P.O. Box 2043
Concord, NH 03302-2043
TEL: 603/271-6435; FAX: 603/271-3433.
7. Signature - The Notice of Intent must be signed by the owner of the facility in accordance with the signatory requirements of 40 CFR Section 122.22. Additionally, in New Hampshire, the NOI must be signed and stamped by a professional engineer.
8. Submission of NOIs - Each applicant must submit a copy of the Notice of Intent to EPA and the appropriate State authority listed in Appendix V. Additionally, the applicant must submit a copy of the NOI to the municipality in which the proposed discharge would be located.
9. When the Director May Require Application for an Individual NPDES Permit - The

Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit.

- a. Instances where an individual permit may be required include the following:
 - 1) The discharge(s) is a significant contributor of pollution;
 - 2) The discharger is not in compliance with the conditions of this permit;
 - 3) A change has occurred in the availability of the demonstrated technology of practices for the control or abatement of pollutants applicable to the point source;
 - 4) Effluent limitation guidelines are promulgated for point sources covered by this permit;
 - 5) A Water Quality Management Plan or Total Maximum Daily Load containing requirements applicable to such point source is approved;
 - 6) The discharge is to an outstanding natural resource water;
 - 7) The discharge causes or may cause violations to the water quality standards of the receiving water or if actual or imminent harm to aquatic organisms is identified;
 - 8) The discharge adversely impacts any federally-managed species for which Essential Fish Habitat has been designated;
 - 9) The discharge is into waters that are not attaining state water quality standards for the pollutants to be discharged;
 - 10) The point source(s) covered by this permit no longer:
 - i) Involves the same or substantially similar types of operations;
 - ii) Discharges the same types of wastes;
 - iii) Requires the same effluent limitations or operating conditions;
 - iv) Requires the same or similar monitoring; or
 - 11) In the opinion of the Director, the discharge is more appropriately controlled under an individual or different general permit.
 - b. If the Director requires an individual permit, the permittee will be notified in writing that an individual permit is required, and will be given a brief explanation of the reasons for this decision.
 - c. When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that owner or operator is automatically terminated on the effective date of the individual permit.
10. EPA Determination of Coverage - Any applicant may request to be included under this general permit but the final authority rests with the EPA-NE. Coverage under the general permit will not be effective until EPA-NE has reviewed the certification and existing file information, made a determination that coverage under the RGP is appropriate, and notified the owner/operator in writing of its determination. The effective date of coverage will be the date of signature of the notification letter by the EPA-NE Director.

C. Effluent Limitations and Monitoring Requirements

1. General Effluent Limitations and Monitoring Requirements - Each discharge outfall subject to this permit shall be limited and monitored by the permittee as specified below in accordance with the receiving water classification when indicated.
 - a. Permittees must monitor and report the results for each outfall in accordance with Parts I.C, D, E, and F, and Parts II.C and D of this permit.
 - b. All of the parameter limits of the permit apply except where the permittee has certified that pollutants are not present in the discharge (see Part I.C.8 below) or where specifically excluded in the provisions below.
2. pH Limitations - For discharges in Massachusetts, Table II below applies. For discharges in New Hampshire, Table III below applies.

Table II: pH Limits in Massachusetts

<u>Effluent Characteristic</u>	<u>Units</u>	<u>Discharge Limitation</u>	<u>Monitoring Requirement</u>	
			<u>Measure-ment Frequency</u>	<u>Sample Type</u>
pH Range for Class A & Class B Waters ⁶	Standard Units	6.5 to 8.3 ⁷	1/Month	Grab
pH Range for Class SA & Class SB Waters ⁶	Standard Units	6.5 to 8.5 ⁷	1/Month	Grab

Table III: pH Limits in New Hampshire

<u>Effluent Characteristic</u>	<u>Units</u>	<u>Discharge Limitation</u>	<u>Monitoring Requirement</u>	
			<u>Measure-ment Frequency</u>	<u>Sample Type</u>
pH Range for Class B Waters ⁶	Standard Units	6.5 to 8.0	1/Month	Grab

3. Water Quality Requirements - The discharge shall not cause a violation of the water

⁶State certification requirement.

⁷ The permittee may request that the pH range be widened to within 6 to 9 s.u. or another range due to naturally occurring conditions in the receiving water. Similarly, permittees may request such a change if the naturally occurring source water is unaltered by the permittee's operation. The scope of any demonstration must receive prior approval from the MA DEP. An NOC must be submitted to the EPA-NE Director upon approval from the state (see Appendix V).

quality standards of the receiving water.

- a. The discharge shall be adequately treated to insure that the surface water remains free from pollutants in concentrations or combinations that settle to form harmful deposits, float as foam, debris, scum, form a visible sheen or other visible pollutants.
 - b. The discharge shall be adequately treated to insure that the surface waters remain free from pollutants that produce color, odor, taste, or turbidity in the receiving waters which are not naturally occurring and that would render them unsuitable for their designated use.
4. Prohibition of Toxic Discharge - The discharge shall not contain materials in concentrations or in combinations which are hazardous or toxic to aquatic life or which would impair the uses designated by the classification of the receiving waters.
5. Heat - The discharge shall not exceed the following daily maximum temperatures:
- a. 83 degrees Fahrenheit (°F) for warm water fisheries.
 - b. 68 °F for cold water fisheries.
 - c. For sites **in Massachusetts**, the change in temperature may not exceed the maximums described in Table IV below:

Table IV: Maximum Change in Temperature in Massachusetts

Class of Water Body	Type of Fishery or Subcategory	Maximum Change in Temperature
A		1.5 °F
B	Warm Water	5 °F
	Cold Water and Lakes/Ponds	3 °F
SA	Coastal	1.5 °F
SB	June - October	1.5 °F
	October - June	4 °F

6. Chemical Effluent Limits - In addition to the general monitoring requirements of Part II.C and Part II.D, after the initial startup sampling and testing requirements of Part I.D.2 have been met, permittees must monitor their outfall discharge effluents on a **monthly basis**. Permittees must demonstrate compliance with all of the applicable parameters specified in this permit, except as provided for in Part I.C.8 (see Table V below).
7. Consideration of Dilution Factors for Discharges of Metals - Where discharges of metals

require effluent limits, dilution factors may be applied to the discharges of **metals to freshwater**. In the NOI, the applicant must select the applicable parameters and, if necessary, an appropriate dilution factor. **See Appendix V, NOI Instructions for detailed instructions for determining the applicable effluent limitations for metals.**

8. **Specific Pollutants to Be Monitored for Individual Sub-Categories**

- a. Permittees must monitor all of the chemicals related to the applicable sub-categories listed in Table V below on a monthly basis, unless the permittee certifies that a chemical is “**not present.**”
 - 1) Permittees may only certify a chemical as “**not present**” based on laboratory data from a minimum of one (1) initial sample demonstrating that the concentrations are below the limits set forth in this permit.
 - 2) If the discharge activities continue for **longer than 6 months**, the permittee must re-certify that chemicals are “**not present.**”
 - i. The permittee must re-certify a chemical as “**not present**” based on laboratory data from a minimum of one (1) sample.
 - ii. The sample must be taken within 30 days of the end of the six-month period that began with the start of the discharge under this permit.
- b. If the site falls within more than one sub-category, the permittee is required to monitor for all sub-category specified pollutants unless the permittee has certified that the chemical is “**not present.**”
- c. Certifications that permitted chemicals are “**not present**” must be signed in accordance with 40 CFR Section 122.22 and accompany the NOI or NOC (if the certification is made after the initial effluent testing is completed).
- d. Regardless of a certification of chemicals as “**not present,**” the Director may provide written notice to any owner/operator, requiring monitoring of specific parameters. Any such notice will briefly state the reasons for the monitoring, parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.
- e. If the site falls within one or more of the sub-categories and/or is known to contain additional chemicals that are listed in Appendix III of the permit, the permittee must also monitor for the known chemicals on a monthly basis.
- f. As required in 40 CFR Section 122.42, in addition to reporting requirements specified in the permit, permittees must notify the Director as soon as they have reason to believe that any activity has occurred which would result in the discharge of any toxic pollutant which is not otherwise limited in the permit.

Table V: Chemical Effluent Limits and Monitoring Requirements by Sub-Category

1. Petroleum Related Site Cleanup

A. Gasoline Cleanup Sites				
Pollutants To Be Monitored	Effluent Limit		Limit Type	Sample Type
Benzene	5.0 micrograms per liter (ug/l)		daily maximum	grab
Total Benzene, Toluene, Ethylbenzene, and Xylene (BTEX)	100 ug/l		daily maximum	grab
Naphthalene	20 ug/l ⁸		daily maximum	grab
Ethylene dibromide	0.05 ug/l		daily maximum	grab
Methyl-t-Butyl Ether (MtBE)	In NH - 13.0 ug/l In MA - 20.0 ug/l		daily maximum	grab
tert-Butyl Alcohol	In NH - 1,000 ug/l In MA - Monitor Only (ug/L)		daily maximum	grab
tert-Amyl Methyl Ether	Monitor Only (ug/L)		daily maximum	grab
Total Suspended Solids (TSS)	30.0 milligrams per liter (mg/l)		monthly average	grab
Total Petroleum Hydrocarbon (TPH)	5.0 mg/l		daily maximum	grab
Lead	In MA: FW ⁹ = 1.3 ug/L SW ¹⁰ = 8.5 ug/L	In NH: FW = 0.5 ug/L SW = 8.5 ug/L	monthly average	grab
Iron	In MA: 1,000 ug/L	In NH: 1,000 ug/L	daily maximum	grab

⁸ Naphthalene can be reported as both a purgeable (VOC) and extractable (SVOC) organic compound. The highest reported value should be used.

⁹FW = freshwater

¹⁰SW = saltwater

B. Fuel Oils (and Other Oils) Sites				
Pollutants To Be Monitored	Effluent Limit		Limit Type	Sample Type
Acetone	Monitor Only (ug/L)		daily maximum	grab
TPH	5.0 mg/l		daily maximum	grab
Naphthalene	20 ug/l ¹¹		daily maximum	grab
Polycyclic Aromatic Hydrocarbons (PAHs)	See Appendix III (#'s 35 & 36)		daily maximum	grab
Benzene	5.0 ug/l		daily maximum	grab
BTEX	100 ug/l		daily maximum	grab
Nickel	In MA: FW = 29.0 ug/L SW = 8.2 ug/L	In NH: FW = 16.1 ug/L SW = 8.2 ug/L	monthly average	grab
Chromium III (trivalent)	In MA: FW = 48.8 ug/L SW = 100 ug/L	In NH: FW = 27.7 ug/L SW = 100 ug/L	monthly average	grab
Chromium VI (hexavalent)	In MA: FW = 11.4 ug/L SW = 50.3 ug/L	In NH: FW = 11.4 ug/L SW = 50.3 ug/L	monthly average	grab
Zinc	In MA: FW = 66.6 ug/L SW = 85.6 ug/L	In NH: FW = 37 ug/L SW = 85.6 ug/L	monthly average	grab
Iron	In MA: 1,000 ug/L	In NH: 1,000 ug/L	daily maximum	grab

C. Petroleum Sites Containing Other Pollutants			
Pollutants To Be Monitored	Effluent Limit	Limit Type	Sample Type
All pollutants listed in Appendix III	See Appendix III	See Appendix III	grab

¹¹ Naphthalene can be reported as both a purgeable (VOC) and extractable (SVOC) organic compound. The highest reported value should be used.

2. Non-Petroleum (i.e., Not Gasoline and Oil) Site Cleanups

A. VOC Only Sites				
Pollutants To Be Monitored	Effluent Limit		Limit Type	Sample Type
Carbon Tetrachloride	4.4 ug/l		daily maximum	grab
1,2 (or o)-Dichlorobenzene (DCB)	600 ug/l		daily maximum	grab
1,3 (or m)-Dichlorobenzene	320 ug/l		daily maximum	grab
1,4 (or p)-Dichlorobenzene	5.0 ug/l		daily maximum	grab
1,1-Dichloroethane (DCA)	70 ug/l		daily maximum	grab
1,2-Dichloroethane	5.0 ug/l		daily maximum	grab
1,1-Dichloroethylene (DCE)	3.2 ug/		daily maximum	grab
cis-1,2-Dichloroethylene	70 ug/l		daily maximum	grab
Methylene Chloride	4.6 ug/l		daily maximum	grab
Tetrachloroethylene (PCE)	5.0 ug/l		daily maximum	grab
1,1,1-Trichloroethane (TCA)	200 ug/l		daily maximum	grab
1,1,2 Trichloroethane	5.0 ug/l		daily maximum	grab
Trichloroethylene (TCE)	5.0 ug/l		daily maximum	grab
Vinyl Chloride	2.0 ug/l		daily maximum	grab
TPH	5.0 mg/l		daily maximum	grab
Phenols	300 ug/l		daily maximum	grab
Pentachlorophenol	1.0 ug/l		daily maximum	grab
Total Phthalates ¹²	3.0 ug/L		monthly average	grab
Bis (2-Ethylhexyl) Phthalate [Di- (ethylhexyl) Phthalate]	6.0 ug/l		daily maximum	grab
Total PCBs	0.000064 ug/L		daily maximum	grab
Acetone	Monitor Only (ug/L)		daily maximum	grab
1,4 Dioxane	Monitor Only (ug/L)		daily maximum	grab
BTEX	100 ug/l		daily maximum	grab
Iron	In MA: 1,000 ug/L	In NH: 1,000 ug/L	daily maximum	grab

¹² Sum of individual phthalate compounds.

B. VOC Sites Containing Other Contaminants			
Pollutants To Be Monitored	Effluent Limit	Limit Type	Sample Type
All pollutants listed in Appendix III	See Appendix III	See Appendix III	grab

C. Sites Containing Primarily Metals			
Pollutants To Be Monitored	Effluent Limit	Limit Type	Sample Type
All Metals listed in Appendix III	See Appendix III	See Appendix III	grab
Cyanide¹³	SW = 1.0 ug/l FW = 5.2 ug/l	monthly average	grab
Carbon Tetrachloride	4.4 ug/l	daily maximum	grab
1,2 (or o)-Dichlorobenzene (DCB)	600 ug/l	daily maximum	grab
1,3 (or m)-Dichlorobenzene	320 ug/l	daily maximum	grab
1,4 (or p)-Dichlorobenzene	5.0 ug/l	daily maximum	grab
1,1-Dichloroethane (DCA)	70 ug/l	daily maximum	grab
1,2-Dichloroethane	5.0 ug/l	daily maximum	grab
1,1-Dichloroethylene (DCE)	3.2 ug/	daily maximum	grab
cis-1,2-Dichloroethylene	70 ug/l	daily maximum	grab
Methylene Chloride	4.6 ug/l	daily maximum	grab
Tetrachloroethylene (PCE)	5.0 ug/l	daily maximum	grab
1,1,1-Trichloroethane (TCA)	200 ug/l	daily maximum	grab
1,1,2 Trichloroethane	5.0 ug/l	daily maximum	grab
Trichloroethylene (TCE)	5.0 ug/l	daily maximum	grab
Vinyl Chloride	2.0 ug/l	daily maximum	grab
Total Suspended Solids (TSS)	30.0 mg/l	monthly average	grab

¹³Expressed as micrograms (ug) of free cyanide per liter.

3. Contaminated Construction Dewatering

A. General Urban Fill Sites			
Pollutants To Be Monitored	Effluent Limit	Limit Type	Sample Type
All pollutants listed in Appendix III	See Appendix III	See Appendix III	grab

B. Listed Contamination Sites			
All pollutants listed in Appendix III	See Appendix III	See Appendix III	grab

4. Miscellaneous Discharges

A. Aquifer Pump Testing			
Pollutants To Be Monitored	Effluent Limit	Limit Type	Sample Type
All pollutants listed in Appendix III	See Appendix III	See Appendix III	grab

B. Well Development or Rehabilitation			
All pollutants listed in Appendix III	See Appendix III	See Appendix III	grab

C. Hydrostatic Testing of Pipelines and Tanks				
Pollutants To Be Monitored	Effluent Limit		Limit Type	Sample Type
TSS	50 mg/l		monthly average	grab
Total residual chlorine (TRC)	FW = 11 ug/l SW = 7.5 ug/l		monthly average	grab
TPH	5.0 mg/l		daily maximum	grab
Benzene	5.0 ug/l		daily maximum	grab
Total BTEX	100 ug/l		daily maximum	grab
Naphthalene	20 ug/l¹⁴		daily maximum	grab
Ethylene dibromide	0.05 ug/l		daily maximum	grab
MtBE	13.0 ug/l - NH 20.0 ug/l - MA		daily maximum	grab
tert-Butyl Alcohol	In NH - 1,000 ug/l In MA - Monitor Only (ug/L)		daily maximum	grab
tert-Amyl Methyl Ether	Monitor Only (ug/L)		daily maximum	grab
PAHs	See Appendix III (#'s 35 & 36)		daily maximum	grab
Lead	In MA: FW = 1.3 ug/L SW = 8.5 ug/L	In NH: FW = 0.5 ug/L SW = 8.5 ug/L	monthly average	grab
Nickel	In MA: FW = 29.0 ug/L SW = 8.2 ug/L	In NH: FW = 16.1 ug/L SW = 8.2 ug/L	monthly average	grab
Chromium (trivalent)	In MA: FW = 48.8 ug/L SW = 100 ug/L	In NH: FW = 27.7 ug/L SW = 100 ug/L	monthly average	grab
Chromium (hexavalent)	In MA: FW = 11.4 ug/L SW = 50.3 ug/L	In NH: FW = 11.4 ug/L SW = 50.3 ug/L	monthly average	grab
Zinc	In MA: FW = 66.6 ug/L SW = 85.6 ug/L	In NH: FW = 37 ug/L SW = 85.6 ug/L	monthly average	grab
Iron	In MA: 1,000 ug/L	In NH: 1,000 ug/L	daily maximum	grab

¹⁴ Naphthalene can be reported as both a purgeable (VOC) and extractable (SVOC) organic compound. The highest reported value should be used.

D. Contaminated Sumps			
Pollutants To Be Monitored	Effluent Limit	Limit Type	Sample Type
All pollutants listed in Appendix III	See Appendix III	See Appendix III	grab

E. Utility Vaults & Manholes			
All pollutants listed in Appendix III	See Appendix III	See Appendix III	grab

F. Contaminated Dredge Condensates			
All pollutants listed in Appendix III	See Appendix III	See Appendix III	grab